

REMARKS/ARGUMENTS

Claims 4 and 8 – 10 are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks. Claims 1 – 3 and 5 – 7 have been canceled without prejudice or disclaimer.

In the outstanding Office Action, the Examiner rejected claims 4 and 8 – 10 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,303,995 to Boeckel (hereinafter referred to as “the Boeckel ‘995 patent”); and rejected claims 4 and 8 – 10 under 35 U.S.C. §103(a) as being unpatentable over the Boeckel ‘995 patent in view of either U.S. Patent No. 3,819,294 to Honnold (hereinafter referred to as “the Honnold ‘294 patent”) or Japanese Patent No. 57-24,499 (hereinafter referred to as “the Japanese ‘499 patent”).

By this Response and Amendment, claim 8 has been amended to recite “[a] ventilation unit of the type comprising: an electric motor having *a solid casing* and an output shaft fitted with a fan having a cup-shaped central body and a number of blades...; said base wall *being substantially continuously solid....*” Support for this amendment can be found in Figure 2 of the originally filed application. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 4 and 8 – 10 as being anticipated by the Boeckel ‘995 patent.

Response

By this Response and Amendment, Applicant respectfully traverses the Examiner’s rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by

the cited prior art. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

The sole independent claim, claim 8, recites a "...ventilation unit of the type comprising: an electric motor having *a solid casing* and an output shaft fitted with a fan having a cup-shaped central body and a number of blades...; said base wall *being substantially continuously solid*...."

The Boeckel '995 patent discloses a fan motor cooling arrangement that includes an opening 26. The vane is positioned in a surface of the hub 12. The arrangement also includes a vane 28 that is formed by the union of the hub 12 with an annular shroud 29. The motor is disclosed as having an open casing to enhance the cooling effects of the fan.

In contrast to the presently claimed invention, the cited prior art does not disclose, teach or suggest a "...ventilation unit of the type comprising: an electric motor having *a solid casing*..." as recited in claim 8. The motor of the Boeckel '995 patent is open to allow cooling by fluid flow therearound. Since the presently claimed invention is intended to re-direct moisture away from the axis of the impeller, the motor wall should be solid to prevent introduction of moisture into the motor. As such, the Boeckel '995 patent does not anticipate the presently claimed invention because all of the features of the presently claimed invention are not disclosed, taught or suggested thereby.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102(b).

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 4 and 8 – 10 as being unpatentable over the Boeckel '995 patent in view of either the Honnold '294 patent the Japanese '499 patent.

Response

By this Response and Amendment, Applicant respectfully traverses the Examiner's rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art combination. To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

The arguments above with respect to the Boeckel '995 patent are incorporated by reference. The secondary references cited in the obviousness rejection do not cure the deficiencies of the Boeckel '995 patent as they too do not disclose, teach or suggest all of the features of the presently claimed invention. The Honnold '294 patent discloses a propeller type fan that has a means to protect the motor and shaft of the propeller type fan from deleterious atmospheric conditions. The disclosed fan is intended to circulate air through and around the motor for improved motor cooling. The fan is not disclosed as having vents for expulsion of fluids therethrough. The Japanese '499 patent discloses a propeller fan that has openings in the rear surface of the propeller. The rear surface of the propeller is planar and perpendicular to the rotational axis of the fan. Split shaped holes are formed in the rear surface of the fan.

In contrast to the presently claimed invention, the cited prior art combination does not disclose, teach or suggest a "...ventilation unit of the type comprising: an electric motor having a *solid casing* and

an output shaft fitted with a fan having a cup-shaped central body and a number of blades...; said base wall *being substantially continuously solid...*” as recited in claim 8. An advantage to the presently claimed invention is the ability of the fan to expel fluid from the motor portion of the unit. The “through windows” in the wall portion of the body is configured so that centrifugal force can urge fluid flow through the through windows away from the unit’s motor. Contrary to this advantage, the cited prior art combination is intended to pass fluid over and around the motor. Therefore, Applicant submits that the cited prior art combination does not render claim 8 obvious since it does not disclose, teach or suggest all of the features of the presently claimed invention. Similarly, since dependent claims necessarily contain all of the features of the independent claim from which they depend, claims 4 and 9 – 10, which depend from claim 8, are likewise asserted to be patentable over the cited prior art for at least the reason that they recite the same features as claim 8. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Appl. No. 10/766,520
Reply to Office Action of Sept. 29, 2006
Attorney Docket No. 26218

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: January 16, 2007
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314
(703) 548-6284

By: 

Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Derek Richmond
Registration No. 45,771
Customer No. 20529